

REGULAR MEETING  
TRIBAL FORESTRY COMMITTEE  
JULY 31, 2007 – 5:00 P.M.  
TRIBAL OFFICE BOARDROOM

1. Call to Order and Roll Call: The meeting was called to order by Christopher Caldwell at 5:05 p.m. Roll call was taken with a quorum present. MEMBERS PRESENT: Kenneth A. Fish, Rebecca Alegria, David Oshkosh, Tony Waupochick, Walter Cox, Al Pyatskowit and Todd Every. Also present: Eugene Caldwell, David Grignon, Donald Waukechon, Roseanne Schanandore, Jacqui Pubanz and Audrey O'Kimosh.

2. Moment of Silence. A moment of silence was observed.

3. Election of Officers.

Chris Caldwell opened up the floor for nominations for Chairman.

Walter Cox nominated Kenneth A. Fish for Chairman. Second was by David Oshkosh. No other nominations. Kenneth A. Fish is the Chairman. Mr. Caldwell handed over the meeting to Mr. Fish.

Rebecca Alegria nominated Walter Cox. Al Pyatskowit nominated Tony Waupochick. Ballots were handed out and the vote was Tony Waupochick (4) and Walter Cox (3). Tony Waupochick is the Vice Chairman.

Rebecca Alegria nominated Al Pyatskowit. Second was by David Oshkosh. No other nomination. Al Pyatskowit is the Secretary.

4. Approval of Bylaws.

The Committee reviewed the bylaws and Mr. Fish would like to see the Historic Preservation Director and the Environmental Services Director become part of this committee as their positions are intertwined with what the committee needs to accomplish.

**Motion made by Walter Cox to recommend to the Legislature to accept the Bylaws as written with the recommendation to amend Ordinance 95-04 to include the Historic Preservation Director and the Environmental Services Director on this committee. Second was by David Oshkosh. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 0 absent.**

5. Review of Documents.

Memo from Trust Resources

Kenneth A. Fish informed the committee that the memo that Chris Caldwell provided was a good outline of the issues that need to be addressed.

Chris Caldwell gave a brief background on how the trust resources department was established. The memo gave a current overview on what the department has been working on, including what goals have been set; that monthly reports will be provided; monitoring forest management and practices; and also mentioned the referendum on a constitutional amendment to separate the forest operation from the saw mill operation.

Mr. Fish informed the committee how this committee evolved: MTE are subcontractors for our BIA 638 contracts for forest management, roads and fire contract. These contracts were in seriously in danger of being terminated because MTE was not in compliance with the requirements due to backlogs in the hard wood areas, white pine areas and the non-regeneration of the white pine areas.

The BIA is now saying that they have a limited trust responsibility due to these contracts. The Tribe is saying that you can not contract out a fiduciary responsibility. The Tribe has won two lawsuits against the federal government due to trust responsibility against the forest. This will be an agenda item for the next meeting for trust responsibility and the committee will need to set up goals and responsibilities.

The Forest Management Plan needs to be updated and need to develop a policy for approval. The Tribe did receive a five year extension plan and this will be an agenda item.

The Integrated Resource Protection Plan is another plan than needs to be an agenda item for the future. This plan protects the area surrounding the forests.

The TAAMS (Trust Assets and Accounting Management System) was mentioned and this will be discussed in the future.

Walter Cox informed the committee that there will be a conference on August 23, 2007 at the College of Menominee Nation. The Conservation Department is working with the DNR and the State to limit motor traffic on the river for cultural concerns that the Tribe would have. Mr. Grignon informed the committee that there are 18 cultural/archeological sites from the Keshena Bridge to the Shawano line that is causing erosion on the river banks due to motor traffic. Walter will work with the attorney to draft a resolution in support of the Conservation Department's efforts.

#### Ordinance 06-29 Communications Protocol

The protocol needs to be addressed due to several tribal members and ex-MTE employee's visited the BIA and informed the BIA that they were talking on behalf of the Tribe. The current ordinance has no penalties listed. This will be a future agenda item.

#### Ordinance 02-22 Stumpage Assessment on the Forest

The current ordinance will be a future agenda item. The formula for calculations has been the main topic and it will part of the committee's job to make the formula understandable to the tribal members.

#### Ordinance 05-22 Logging Practice Limitations

The current ordinance will be a future agenda item. This ordinance is to protect the forest.

### Trust and Management Agreement

This document lays out the trust responsibility between the Secretary of the Interior and the Tribe.

### Forest Management Plan 1996-2005

This document needs to be submitted from the Tribal Legislature to the federal government not directly from MTE. This document will need to be reviewed, updated and submitted to the Legislature for approval so that it can be sent to the BIA within the extended time frame given.

Walter Cox informed the committee that there are contractors, sub-contractors, delivery men, tours given, and loggers with their family members that are out in the woods. The 2<sup>nd</sup> shift at the mill can hear sawing out in the woods. There needs to be some type of policy and procedure enacted to give some guideline to the Conservation Department. The committee will make this an agenda item to discuss this further.

### 6. Emergency Response Protocol: Discussion and recommendations.

At the July 17, 2007 Tribal Legislature meeting, it was motioned that the Tribal Forestry Committee have a preliminary report back to the Legislature within 45 days. The Committee realizes that the key players are: Conservation Department, Forestry Fire Department, Law Enforcement, and that they have some input into this report. The US Forest Service has a protocol and this could be used as an excellent model.

Someone waived the NEPA requirements and it was not the Tribal Legislature. David Grignon informed the committee that there is a thirty day comment period and Mr. Grignon was waiting on which prescriptions were affected. He further explained that you have to evaluate the cultural and environmental resources affected by this natural disaster.

Chris Caldwell informed the committee that the NEPA requirements were not waived. That was the initial attempt. This was supposed to be after Mr. Grignon said it was ok and the environmental assessment completed. When the information came back, MTE did not follow up until the individual departments wanted to know when their input was necessary. This is another procedure that will need to be made part of this document.

There will need to a 3-step process that needs to be completed. One-pre-planning: What department and documents are needed and what federal requirements have to be followed. Two-mitigation: After assessing the situation, what will need to be done are there any emergencies. Three-long term planning: How will we manage this area and after action review.

It was questioned if the Tribe has a natural disaster response and if so, what will the committee be working on. It was clarified that the Committee will be charged with getting a draft together for a natural disaster forest plan which will coincide with the existing natural disaster plan and existing forest management plan.

Jeremy Bennet salary is paid 100% by 638 contracts and the Committee will request the Legislature to ask for his assistance to get this plan together. Jacqui Pubanz and David Grignon will get their input together for Mr. Caldwell for consideration.

**Motion made by Al Pyatskowit to recommend to the Legislature to request the services of Jeremy Bennet/Fire Management Officer to work with Chris Caldwell to develop an outline so that the committee can work on an emergency response plan for forestry. Second was by Walter Cox. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 0 absent.**

7. MTE Mill Production Plan for Significant Wind Events.

The Menominee Tribal Enterprises Board of Directors has not given out the numbers in regards to the storm damage and stating that this is privilege information. The tribal membership have not been given the sales numbers and the Tribal Legislature should be aware of what the price of timber is on the outside, and what we are getting for our timber.

The general overview and assessment will be helpful to the Tribe. The assessment figures can be used to figure out the extent of the damage, acreage and cover type. The Tribe still has not received any estimates actual cost figures from MTE so that we can submit a request to the BIA for assistance.

The actual timber harvest date is missing from this report. This is a vital piece of information that would be necessary in order for the Tribe to make a claim to the BIA.

Audrey Okimosh requested a copy of this correspondence that was addressed to Lisa S. Waukau. Mr. Fish informed Mr. Caldwell to give her a copy.

Mr. Fish explained the importance of getting all the figures and the correct dates so that if the Tribe wants to pursue compensation from the federal government the Tribe will have the correct information.

**Motion made by Walter Cox to recommend to the Legislature to request that the Chairman send a letter to the MTE President requesting the cost for production to date of saw logs, pulpwood and bolts; the cost for timber harvest production and the price that they received for saw logs, pulpwood and bolts. Second was by Rebecca Alegria. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 0 absent.**

8. Other Business.

A special meeting has been set for Wednesday, August 15, 2007 at 5:00 p.m. to compile the preliminary report that has been requested by the Tribal Legislature.

Regular Meeting  
Tribal Forestry Committee  
July 31, 2007  
Page 5 of 5

It was also noted to send copies of the agenda to the Chairman of the Menominee Tribal Enterprises Board of Directors; the President of MTE; the MTE Head Forester; the Historic Preservation Director and the Environmental Services Director.

9. Adjournment.

**Motion made by Walter Cox/David Oshkosh to adjourn the meeting.**

Meeting adjourned at 8:55 p.m.

Respectfully submitted by,

Linda Peters, Recorder  
Legislative Staff